

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TOBIAS ALLEN,

Plaintiff,

Case No. 1:02cv725

v.

Hon. Gordon J. Quist

MARY BERGHUIS,

Defendant.

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**ORDER AND JUDGMENT
APPROVING REPORT AND RECOMMENDATION**

The court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties on October 28, 2005. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed October 28, 2005, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that petitioner's has petition is **DISMISSED**.

/s/Gordon J. Quist
Hon. Gordon J. Quist
U.S. District Judge

Dated: November 21, 2005